

AMENDED IN ASSEMBLY MARCH 17, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 259

**Introduced by Assembly Members Scott, Papan, Baca,
Mazzoni, and Wayne Wayne, and Knox**

February 12, 1997

An act to amend Section 48919 of, and to add Section 48919.5 to, the Education Code, relating to pupils, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 259, as amended, Scott. Pupils: expulsion appeal.

(1) Existing law permits a pupil expelled by the governing board of a school district to appeal that decision to the county board of education.

This bill would permit a county board of education to have a hearing officer or impartial administrative panel, as specified, hear the appeal and to submit a recommended decision, including any findings or conclusions required for that decision, to the county board of education for a final order of the county board of education.

(2) This bill would declare it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48919 of the Education Code is
2 amended to read:

3 48919. If a pupil is expelled from school, the pupil or
4 the pupil's parent or guardian may, within 30 days
5 following the decision of the governing board to expel,
6 file an appeal to the county board of education which shall
7 hold a hearing thereon and render its decision.

8 The county board of education, or a hearing officer or
9 impartial administrative panel, shall hold the hearing
10 within 20 schooldays following the filing of a formal
11 request under this section . If the county board of
12 education hears the appeal without a hearing pursuant to
13 Section 48919.5, then the board shall render a decision
14 within three schooldays of the hearing, unless the pupil
15 requests a postponement.

16 The period within which an appeal is to be filed shall
17 be determined from the date a governing board votes to
18 expel even if enforcement of the expulsion action is
19 suspended and the pupil is placed on probation pursuant
20 to Section 48917. A pupil who fails to appeal the original
21 action of the board within the prescribed time may not
22 subsequently appeal a decision of the board to revoke
23 probation and impose the original order of expulsion.

24 The county board of education shall adopt rules and
25 regulations establishing procedures for expulsion appeals
26 conducted under this section. If the county board of
27 education elects to use the procedures in Section 48919.5,
28 then the board shall adopt rules and regulations
29 establishing procedures for expulsion appeals under
30 Section 48919.5. The adopted rules and regulations shall
31 include, but need not be limited to, the requirements for
32 filing a notice of appeal, the setting of a hearing date, the
33 furnishing of notice to the pupil and the governing board
34 regarding the appeal, the furnishing of a copy of the
35 expulsion hearing record to the county board of
36 education, procedures for the conduct of the hearing, and
37 the preservation of the record of the appeal.

1 The pupil shall submit a request for a copy of the
2 written transcripts and supporting documents from the
3 district simultaneously with the filing of the notice of
4 appeal with the county board of education. The school
5 district shall provide the pupil with the transcriptions,
6 supporting documents, and records within five
7 schooldays following the pupil's request. The pupil shall
8 immediately file suitable copies of these records with the
9 county board of education.

10 SEC. 2. Section 48919.5 is added to the Education
11 Code, to read:

12 48919.5. (a) A county board of education may have a
13 hearing officer pursuant to Chapter 14 (commencing
14 with Section 27720) of Part 3 of Title 3 of the Government
15 Code, or an impartial administrative panel of three or
16 more certificated persons *appointed by the county board*
17 *of education*, hear appeals filed pursuant to Section 48919.
18 The members of the impartial administrative panel shall
19 not be members of the governing board of the school
20 district nor employees of the school district, from which
21 the pupil filing the appeal was expelled.

22 (b) A hearing conducted pursuant to this section shall
23 not issue a final order of the county board. The hearing
24 officer or impartial administrative panel shall prepare a
25 recommended decision, including any findings or
26 conclusions required for that decision, and shall submit
27 that recommendation and the record to the county board
28 of education within three schooldays of hearing the
29 appeal.

30 (c) Sections 48919, 48920, 48921, 48922, 48923, and
31 48925 are applicable to a hearing conducted pursuant to
32 this section.

33 (d) Within 10 schooldays of receiving the
34 recommended decision and record from the hearing
35 officer or the impartial administrative panel, the county
36 board of education shall review the recommended
37 decision and record and render a final order of the board.

38 SEC. 3. This act is an urgency statute necessary for the
39 immediate preservation of the public peace, health, or
40 safety within the meaning of Article IV of the

1 Constitution and shall go into immediate effect. The facts
2 constituting the necessity are:

3 County boards of education cannot decide the appeals
4 of expelled students in a timely manner due to the
5 number of appeals being filed. In order to provide
6 expelled pupils with a timely appeal, it is necessary that
7 this act take effect immediately.

O

